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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/802,449 03/16/2004		Carl M. Panasik	TI-36930 (032350.B589) 4007		
23494	7590 09/20/2006		EXAMINER		
	STRUMENTS INCO	D'AGOSTA, STEPHEN M			
P O BOX 655474, M/S 3999 DALLAS, TX 75265			ART UNIT	PAPER NUMBER	
,			2617		

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner			Applicatio	n No.	Applicant(s)					
Examiner Stephen M. D'Agosta 2617	Office Action Summary		10/802.44	9	PANASIK ET AL.					
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 3°C FR 1.196(s). In ne event, however, may a risky be timely filed safe six (s) MONTHS from the mailing date of this communication. If NO period for risky is specified above, he maistened state across provided with the provisions of 3°C FR 1.196(s). In ne event, however, may a risky be timely filed safe six (s) MONTHS from the mailing date of this communication. If NO period for risky is specified above, he maistened present of the communication, even if timely filed, may reduce any searce patient term adjustment. See 3°C FR 1.764(s). Status 1) Responsive to communication(s) filed on 31 August 2005. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-4, 7-14 and 17-20 is/are rejected. 7) Claim(s) is/are allowed. 6) Claim(s) 1-4, 7-14 and 17-20 is/are rejected to 9) The specification is objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application Papers 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 2) All by Some * Old None of: 1 Certified copies of the priority documents have been received in Application No. 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). **See the			ļ							
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DETAILED ACTION

Response to Arguments

Applicant's arguments filed 8-31-2006 have been fully considered but they are not persuasive.

1. The applicant argues that the prior art does not teach a "profile" (eg. they only teach thresholds). The examiner must give the broadest reasonable interpretation to all claims presented. As such, the applicant's claim limitation "acceleration profile" can be broadly interpreted as being just a threshold (eg. the examiner is giving little weight to the term "profile". Thus it can be a stored threshold and/or a more elaborate scheme as argued by the applicant.

The examiner therefore invites the applicant to amend their claims such that the term "acceleration profile" is better defined and therefore cannot be broadly interpreted.

- 2. The examiner believes that a more favorable outcome may occur if the applicant were to amend claim 1 as follows:
 - > Claim 1 + Claim 2 + (any one claim from claims 5 thru 11)

 o Note that claims 5 and 6 will also require intervening claim 3 as well.
- 3. After further review, the examiner now believes claims 5-6 and 15-16 to contain novel material as well.

Application/Control Number: 10/802,449

Art Unit: 2617

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

